

REMARKS

Claims 1, 2 and 4 -15 are pending in the present application. Claim 3 is canceled.

Applicants note with appreciation that the Examiner indicated that claims 5, 6 and 10 - 12 would be allowable if rewritten in independent form. Applicant rewrote claims 5, 10 and 12 as suggested by the Examiner. Claim 6 depends from claim 5, and claim 11 depends from claim 10. Thus, all of claims 5, 6 and 10 – 12 are now in condition for allowance.

In section 4 of the Office Action, claims 1 – 3, 7 – 9, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent No. DE 43 17 757 A1 to Onoda et al (hereinafter “the Onoda et al. patent”). Of this set of claims, two are independent, namely claims 1 and 8. Applicants amended claims 1 and 8 to include a feature that was formerly recited in claim 3, which, as Applicants explain below, is neither expressly nor inherently described by the Onoda et al. patent.

Claim 1 provides for a method of reducing effects of varying environmental conditions on a measuring instrument having a measuring unit. The method includes, inter alia, controlling a first temperature in the measuring unit. The first temperature in the measuring unit is related to an ambient temperature, and the first temperature is controlled within a range of the order of the expected variation of the ambient temperature.

The Onoda et al. patent discloses a system that provides a constant temperature control. The Onoda et al. patent is written in German, but it specifically states that the system provides “Konstanttemperaturregelung” (see Abstract), which in English means “constant temperature controlling”. Whereas the Onoda et al. patent expressly teaches **constant temperature controlling**, it neither expressly nor inherently described that a first temperature is **related to an ambient temperature and controlled within a range**

of the order of the expected variation of the ambient temperature, as recited in claim

1. Accordingly, the Onoda et al. patent does not anticipate claim 1.

Claim 8, as mentioned above, is an independent claim. Claim 8 includes a recital similar to that of claim 1. Thus, for reasons similar to that provided above in support of claim 1, the Onoda et al. patent does not anticipate claim 8.

Claims 2, 7 and 14 depend from claim 1, and claims 9 and 15 depend from claim 8. Thus, claims 2, 7, 9, 14 and 15 are also not anticipated by the Onoda et al. patent. Claim 3 is canceled.

Applicants respectfully request reconsideration and withdrawal of the section 102(b) rejection of claims 1 – 3, 7 – 9, 14 and 15.

In section 6 of the Office Action, claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Onoda et al. patent. Claim 1, as explained above, is patentable over the Onoda et al. patent. Claims 4 and 13 depend from claim 1, and by virtue of this dependence, are also patentable over the Onoda et al. patent.

Applicants respectfully request reconsideration and withdrawal of the section 103(a) rejection of claims 4 and 13.

Applicants amended the claims to do one or more of adding features that were previously recited in other claims, improving the form of the claims, or ensuring consistency of terminology. None of the amendments is intended to limit the scope of any term of any of the claims, and as such, Applicants submit that the Doctrine of Equivalents should be available for all of the terms of all of the claims.

In the Office Action Summary, item 15 is checked to acknowledge a claim to domestic priority. However, the application is not making a claim to domestic priority. Instead, the application is making a claim to foreign priority, and on 13 JUN 2001,

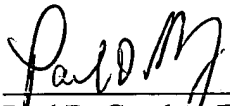
Applicants submitted a copy of a priority document, namely European Patent Application No. 00113606.8. Applicants respectfully request that in the next office action, the Office acknowledge the claim to priority and acknowledge receipt of the priority document.

In view of the foregoing, Applicants respectfully submit that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicants respectfully request favorable consideration and that this application be passed to allowance.

Respectfully submitted,

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Date



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